

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Estate of Terry Williams;
By Special Administrator Cuc Huynh
L.W. Daughter of Terry Williams
By Laquesha Green and Cuc Hutnh

-Plaintiff

Case No: 18-CV-1222

vs.

Michael Traux, Deputy for the Milwaukee
Sheriff's Department, and John Doe #1, and
Other unnamed members

-Defendant(s)

Motion to Amend Scheduling Order

Now Come the above captioned Plaintiffs, by their attorneys, Strouse Law Offices and Napierala Law Offices and file their Motion and Brief and Declaration of Attorney Thomas Napierala to Amend Scheduling Order.

Background

Attorney Strouse took over this case from Attorney Walter W. Stern III, prior Plaintiff's counsel who is now semi-retired on 5/22/2020 *Strouse Decl.* @ 2. Attorney Stern withdrew from this case *Id.* Attorney Strouse filed his notice of appearance timely with the Court on 08/27/2020 *Id.* @ 3. The COVID-19 Pandemic delayed Attorney Stern from transmitting the entire case file and electronic data while winding down his practice *Id.* @ 5. Current Plaintiff's

counsel suffered prejudice in conducting further discovery because of the delay in obtaining the case file and electronic data from Attorney Stern *Id.* Unfortunately, Plaintiff's counsel also took over Plaintiff's case during the height of the COVID-19 pandemic *Id.* @ 5-9. Current Plaintiff's counsel suffered difficult staff reductions due to the COVID-19 restrictions which forced our staff to remain at home *Id.* Also, our Office Manager left the firm for a prolonged medical leave of absence *Strouse Decl.* @ 6. These conditions delayed current Plaintiff's counsel in conducting further discovery. Discovery has continued, and deposition(s) of the Plaintiff were held. However, current Plaintiff's counsel has been delayed by the COVID-19 Pandemic, delays in obtaining the file from Attorney Stern, staff reductions including the medical leave of the office manager which prejudiced them in conducting further discovery. The Plaintiff moves the Court, timely, for an Amended Scheduling Order and Status Conference.

A. Plaintiff's Motion to Amend Scheduling Order

Attorney Water W. Stern III ("Attorney Stern") withdrew from this case at the onset of the COVID-19 pandemic. Paul Strouse filed his notice of appearance only a day before the Court deadline to file. This case was essentially put on hold since 10/24/2019. Plaintiff's counsel is prejudiced in the fact that no major exchanges of discovery have taken place. There have been no depositions or other fact gathering conducted by the parties. Plaintiff has survived a *Motion on the Pleadings* which was denied as moot by the Court on 08/31/2018. Since the Plaintiffs have not had their day in Court, they move this Court for an Amended Scheduling Order to continue litigation.

FOR THE FOREGOING REASONS, the Plaintiffs pray the Court amended the current scheduling order and set this case for a status conference.

Dated this 24th of October 2020
Attorneys for Plaintiffs,

/s/ Paul Strouse
Paul Strouse- *Attorney at Law*
SBN: 1017891

Prepared By:

The Law Offices of Paul Strouse
413 North 2nd Street Suite #150
Milwaukee WI 53203
(414) 390-0820